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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,356	01/30/2004	Jared J. Robert	JR03-01	8324

7590
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03/09/2007

EXAMINER

OMGBA, ESSAMA

ART UNIT	PAPER NUMBER
3726	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/769,356

Applicant(s)

ROBERT, JARED

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-9 are objected to because of the following informalities: in claim 1, line 1, "of method" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by West (WO 02/21962).

Regarding claim 1, West discloses a method of manufacturing a finger ring from sintered material comprising placing an annular blank (20) of sintered material (see table, pages 9-10, e.g., tungsten carbide) in a spinning fixture, see Figure 3; abrading the annular blank so that the annular blank acquired a curved surface about its circumference, see Figure 3. Applicant should note that West discloses that the ring could have curved, flat, faceted or rounded surfaces (figures 7-14) and Applicant

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should also note that grinding wheels for forming convex shapes are old and well known in the art.

Regarding claim 2, see Figure 5.

Regarding claims 3, 7, 17 and 20, the reference states, "Generally, the metal wire 150 is soldered or welded to form a joint-less metal ring 290 (or otherwise fabricating or machining to form a seamless metal ring or other article) that is squeezed or swaged onto a sintered substrate 120." Page 20, lines 18-21.

Regarding claims 4 and 12, the reference states, "once the several components are in fact combined, the entire assembly can be finished and polished to complete manufacture of the ring or other article of jewelry." Page 12, lines 15-17. Burnishing is essentially a polishing procedure.

4. Claims 1-7, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by West (US Patent 6,928,734).

Regarding claim 1, West discloses a method of manufacturing a finger ring from sintered material comprising placing an annular blank (20) of sintered material (see Cols 4-5, table, e.g., tungsten carbide) in a spinning fixture, see Figure 3; abrading the annular blank so that the annular blank acquired a curved surface about its circumference, see Figure 3. Applicant should note that West discloses that the ring could have curved, flat, faceted or rounded surfaces (col. 3, lines 52-54 and figures 7-14) and Applicant should also note that grinding wheels for forming convex shapes are old and well known in the art.

Regarding claim 2, see Figure 5.

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Regarding claims 3, 7, 17 and 20, the reference states, "Generally, the metal wire 150 is soldered or welded to form a joint-less metal ring 290 (or otherwise fabricating or machining to form a seamless metal ring or other article) that is squeezed or swaged onto a sintered substrate 120." Col. 19, lines 54-57.

Regarding claims 4 and 12, the reference states, "once the several components are in fact combined, the entire assembly can be finished and polished to complete manufacture of the ring or other article of jewelry." Col. 9, lines 28-30. Burnishing is essentially a polishing procedure.

Regarding claims 5-6, the reference states "Alternately, metal wire 150 or the metal in another form (such as for example, in the form of a band or bar) may be placed in the groove 215 by other means or procedure, such as wrapping the wire into or around the groove, by squeezing a metal material into the groove, by hammering or swaging the metal into the groove, or by any other mechanical or other means", col. 18, lines 46-51.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 10-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (either '962 or '734) in view of Tanigawa (JP 2119801).

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For claims 8, 10 and 18, West discloses securing a wire/strip inlay into a groove on the annular blank. However, the reference does not disclose forming an undercut in the annular blank. Tanigawa discloses a method for forming jewelry in which an undercut is formed in a groove (2) on the jewelry piece (1), an inlay (3) is placed in the groove, and the inlay (3) is swaged to secure it into the groove. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have formed an undercut in the groove of the ring of West, in light of the teachings of Tanigawa, in order to secure the inlay in the groove. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to use an appropriate tool to provide the undercut.

Regarding claim 12, see column 9, lines 28-30 of West'734.

Regarding claims 13 and 14, see col. 18, lines 46-51 of West'734.

7. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (either '962 or '734) in view of Lida (US Patent 5,427,826).

West discloses the invention cited above. However, the reference does not disclose providing a thin film. Lida discloses a method and procedure for providing a thin film coating for protecting jewelry. See Col. 3, lines 40-52. In particular, using a chemical vapor deposition (CVD) process, a superhard carbonaceous (diamond like carbon) thin film coating can be applied. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the annular member of West with a thin coating of a diamond like carbon, in light of the teachings of Lida, in order to increase the wear resistance of the jewelry.

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8. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (either '962 or '734) in view of Lacchetti et al. (US 2002/0166847).

West discloses electron beam welding but not laser welding. Lacchetti et al. teaches laser-welding equipment for jewelry, see paragraph [0004]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have welded the loop of precious metal of West by laser welding, in light of the teachings of Lacchetti et al., in order to provide high precision welds.

Response to Arguments

9. Applicant's arguments filed December 18, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that neither of the West references show the use of a curved grinding surface to impact a curved profile to an annular blank, the examiner submits such grinding tools are old and well known in the art, see for example US Patent 5,609,518 to Lucchesi made of record in the instant application. Regarding Applicant's argument that there are no curved surfaces on any of the West rings, the examiner respectfully disagrees, see figures 7-14 and col. 3, lines 52-54 of West'734 for example.

In response to Applicant's argument that the Tanigawa reference is silent on how the undercut is made, the examiner submits that it is within the general knowledge of one of ordinary skill in the art to use appropriate tool to provide an undercut on a material.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

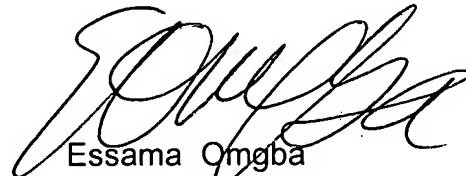
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Essama Omgba
Primary Examiner
Art Unit 3726

eo
March 5, 2007